

REMARKS

Summary Of The Office Action & Formalities

Claims 1-13 are all the claims pending in the application. By this Amendment, Applicant is amending claims 1 and 6-10, and adding new claims 14-28. No new matter is added.

Submitted herewith is an Excess Claim Fee Calculation Letter with fee.

Applicant thanks the Examiner for acknowledging the claim to foreign priority and for confirming that the certified copy of the priority document was received.

Claims 4-10 are rejected under 35 U.S.C. § 112, second paragraph, for the reason set forth at page 2 of the Office Action.

Regarding claims 4 and 5, Applicant is attaching a copy of the claims as filed with claims 4 and 5 complete. If the Examiner's copy of the claims is incomplete, Applicant's representative believes that this may have been a result of the USPTO's handling of these papers.

Applicant is amending claims 7 and 8 to address the remaining part of this rejection.

The prior art rejections are summarized as follows:

1. Claims 1-13 are rejected under 35 U.S.C. § 102(e) as being anticipated by Bommer et al. (USP 5,927,559).

Applicant respectfully traverses.

Claim Rejections - 35 U.S.C. § 102

In rejecting claims 1-13 in view of Bommer et al. (USP 5,927,559), the grounds of rejection state:

Bommer et al. shows a pump 2; body 7, 8; piston 17; fixing ring 6; reservoir 3; sealing gasket 22, 23; air intake

passage/through bore/vent hole 33 that is always open; filtration element 21 that forms part of an air passage; ferrule 7; top edge 9; and air passage 34 formed by flange/groove in the ferrule, the passage is cut off when the dispenser is in the rest position as seen in Figure 2.

Office Action at page 3. Applicant respectfully disagrees.

Bommer et al. corresponds to EP 0 800 869 discussed in Applicant's specification at page 1. This document discloses a pump 2 comprising a shell 7 in which is slidably and sealingly guided a piston 17. A filter unit 20 is provided. As indicated in the specification of Bommer et al. at column 2, lines 5 to 10, the filter unit is supported directly by the reservoir unit. The filter can thus be disposed on the neck of the reservoir or in the opening of the reservoir. Therefore, in either case, the filter unit will come into abutment with the outer side of the shell 7 (pump body), *i.e.*, with the side wall of the shell 7 as clearly illustrated in Fig. 1. Indeed, the top edge of shell 7 absolutely does not contribute to house a filter unit; rather, the top edge is only used for supporting a closure 8.

Moreover, the technical feature of claim 1 would not have been obvious to one skilled in the art from the disclosure in Bommer et al., because the top edge of shell 7 only serves to receive a closure which is, therefore, not compatible with the positioning of a filter. Furthermore, the solution proposed by the present inventions greatly simplifies the manufacture of the assembly.

In view of the foregoing distinctions, claim 1 is novel and unobvious over the applied art as are the dependent claims. Accordingly, the Examiner is kindly requested to reconsider and withdraw the rejection.

New Claims

For additional claim coverage merited by the scope of the invention, Applicant is adding new claims 14-28. These claims are believed to be allowable for reasons similar to those set forth above in support of claim 1.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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